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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,218	06/26/2001	Philippe Buhannic	099593-5	8482

22204            7590            09/18/2002

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ART UNIT            PAPER NUMBER

3624

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/891,218	Applicant(s) Bowman-amuah
Examiner Daniel Felten	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jun 26, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-5 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4      6)  Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (hereinafter, "Hawkins", US 6,029,146) in view of Bowman-Amuah (US 6,332,163 B1).

#### Regarding claim 1:

Hawkins discloses a computer architecture for effecting securities trades (see Hawkins, col. 3, ll. 50 to col. 4, ll. 3) comprising:

a node (*computer terminal*);

at least one buy side computer (*client*) associated with a party desiring to purchase securities and capable of transmitting messages related to a trade (see Hawkins, col. 3, ll. 50 to col. 4, ll. 3); and

a communication channel coupling the node with the buy side computer and the sell side computer (see Hawkins, col. 3, ll. 50 to col. 4, ll. 3);

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1           Hawkins fails to disclose means for determining the latency of the communications  
2       channel and adjusting parameters of the trade based on the latency. These features are  
3       disclosed by Bowman-Amuah. It is notoriously old and well known in the art that latency is a  
4       common electronic transmission problem in networks which hinders electronic  
5       communications/transactions between systems. Bowman-Amuah provides a means of latency  
6       reduction via filters (see Bowman-Amuah, col. 198, ll. 13+). It would have been obvious for  
7       an artisan of ordinary skill in the art at the time of the invention of Hawkins to  
8       employ/integrate the filtering means disclosed by Bowman-Amuah to provide greater  
9       efficiency of message and/or trade communication between terminals by reduction of  
10      redundancy of messages/transactions between terminals. Thus such a modification would  
11      constitute an obvious expedient well within the ordinary skill in the art.

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13      **Regarding claim 2:**

14      Hawkins in view of Bowman-Amuah discloses wherein the at least one buy side computer  
15      comprises a server associated with the securities broker (see Hawkins, col. 4, ll. 10-33; col.  
16      9, ll. 19-26).

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18      **Regarding claim 3:**

19      Hawkins in view of Bowman-Amuah discloses wherein the at least one buy side computer  
20      comprises a server associated with an institutional investor (see Hawkins, col. 7, ll. 47+; col.  
21      9, ll. 19-26).

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1      **Regarding claim 4:**

2      Hawkins in view of Bowman-Amuah discloses wherein the at least one sell side computer  
3      comprises a server associated with an exchange (see Hawkins, col. 9, ll. 19-26).

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5      **Regarding claim 5:**

6      Hawkins in view of Bowman-Amuah discloses wherein the means for adjusting comprises  
7      predetermined logic-elements and means for applying the logic elements to an equities  
8      transaction (see Hawkins, Abstract).

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11      ***Conclusion***

12      3.      A list of relevant prior art appears below not relied upon in this Office Action:

13      **US Patents:**

14      Berg (US 3,824,597) discloses a data transmission Network

15      4.      Any inquiry concerning this communication or earlier communications from the examiner  
16      should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The  
17      examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
18      Any inquiry of a general nature relating to the status of this application or its proceedings should  
19      be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
20      **Vincent Millin** whose telephone number is (703) 308-1065.

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22      5.      Response to this action should be mailed to:

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24      Commissioner of Patents and Trademarks

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1 Washington, D.C. 20231

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3 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35  
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
7 addressed to [daniel.felten@uspto.gov].

8 All Internet e-mail communications will be made of record in the application file. PTO  
9 employees do not engage in Internet communications where there exists a possibility that  
10 sensitive information could be identified or exchanged unless the record includes a properly  
11 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
12 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
13 Trademark on February 25, 1997 at 1 195 OG 89.

14   
15 DSF

16 September 14, 2002

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18   
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600